

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
NORTHERN DIVISION  
No. 2:23-CV-00058-BO-BM

CENTER FOR BIOLOGICAL  
DIVERSITY,

Plaintiff,

v.

DEB HAALAND, et al.,

Defendants.

**THE CENTER’S MOTION FOR  
SUMMARY JUDGMENT**

Fed. R. Civ. Pro. 56  
E.D.N.C. Civ. R. 7.1, 56.1

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Civil Rules 7.1 and 56.1, Plaintiff Center for Biological Diversity (“the Center”) hereby moves the Court to enter summary judgment in its favor on its Claim for Relief in the Complaint [DE-1]. The Center respectfully submits that Deb Haaland, Secretary of the Interior, and Martha Williams, Director of the U.S. Fish and Wildlife Service (collectively, the “Service” or “Defendants”), are violating and will continue to violate the Administrative Procedure Act (“APA”), 5 U.S.C. § 500 *et seq.*

The material facts are not in dispute because they come from the Service itself. *See generally* Center’s Statement of Uncontested Facts (“SOUF”) ¶¶ 1-27. The Service’s own records and admissions show that the agency arbitrarily and capriciously denied the Center’s 2016 petition that requested the agency redesignate the northeastern North Carolina red wolf population as “essential” and restrict red wolf shootings by private landowners, pursuant to section 10(j) of the Endangered Species Act (“ESA”).

For the reasons stated above and set forth in detail in the accompanying Memorandum in Support of Motion for Summary Judgment, the Center requests that the Court grant its Motion for Summary Judgment. The Center respectfully asks the Court to declare that the

Service arbitrarily and capriciously denied the Center's petition, and remand for the Service to provide a further response to the petition and a revised red wolf 10(j) rule in accordance with instructions and a timetable established by the Court.

DATED: November 27, 2024

Respectfully submitted,

/s/ Collette L. Adkins

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### **CERTIFICATE OF SERVICE**

I hereby certify that on November 27, 2024, I electronically filed the foregoing **MOTION FOR SUMMARY JUDGMENT** and its attachments with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing to counsel for Defendants.

/s/ Collette L. Adkins  
Collette L. Adkins